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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000485

SIPDIS

STATE FOR SA/INS  
MUMBAI FOR GOOD

E.O. 12958: DECL: 02/28/2012

TAGS: [PGOV](#) [PREL](#) [NP](#)

SUBJECT: PROMISES MADE IN THE HEAT OF THE NIGHT:  
OPPOSITION, FORMER PM PRESS DEUBA TO FOLLOW THROUGH ON  
COMMITMENTS

REF: A. (A) KATHMANDU 0412

[1](#)B. (B) 01 KATHMANDU 2503

Classified By: POL/ECON PMAHONEY. REASON: 1.5 (B,D).

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SUMMARY  
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[1](#)1. (C) In the days since Opposition parties, along with former Prime Minister and current Nepali Congress Party President Girija Prasad Koirala, decided to vote with or support the Government of Nepal (GON) to ratify the state of emergency (Ref A), Prime Minister Sher Bahadur Deuba is finding out--if he ever doubted--that winning the support of his long-time rivals may not come cheap. Opposition Leader Madhav Nepal, along with his strange new bedfellow Koirala, are joining unlikely ranks to push Deuba to follow through on the commitments he made to consider amending the constitution to set up a national government during elections and to prosecute corruption. Besides teaming up with the Opposition, Koirala is also busily forming several new committees within the Congress Party--one of which may play a key role in selecting MP candidates for the next election. End summary.

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NC AND UML: TOGETHER AT LAST?  
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[1](#)2. (SBU) Since supporting the Government of Nepal (GON) in the Feb. 21 late-night vote to ratify the state of emergency (Ref A), Opposition Leader Madhav Nepal and former Prime Minister and current Nepali Congress Party President Girija Prasad Koirala have been pressing Prime Minister Sher Bahadur Deuba to follow through on commitments he made during his speech in Parliament that day, including a possible constitutional amendment and more vigorous prosecution of corruption. On Feb. 28, the PM sent a letter to heads of the five largest political parties, soliciting their opinions on amending the Constitution.

[1](#)3. (C) The Communist Party of Nepal - United Marxist Leninist (UML), the largest Opposition party, is advocating several amendments, including a measure establishing an all-party caretaker government during national elections; a provision to establish an all-party government during national emergencies; and a limit on the size of the Cabinet. The official position of the UML, which has not had a Prime Minister since 1995, is that only the establishment of an all-party government can ensure free and fair elections. Hari Sharma, a close advisor to the former PM, confirmed that Koirala signed an agreement with the UML leadership on both the Opposition's 22-point reform program, including proposals for Constitutional amendments, and Koirala's proposal for a broader national alliance (now being termed a "Broader Democratic Alliance") (Ref B) before the debate on ratification. The two party leaders signed a second agreement just a few days ago, Sharma added, that details how to proceed with the issues outlined in the earlier agreement, including cooperation on political reform; decentralization of local government; depoliticization of the bureaucracy; and the development of a common agenda to strengthen the Prime Ministerial system, which, apparently, they consider to have been vitiated during Deuba's tenure. Sharma remarked with some surprise at both UML and Nepali Congress efforts to keep the text of the agreements "secret"--even though some hints have appeared in the local press.

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CORRUPTION COMMISSION--AGAIN  
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[1](#)4. (U) But constitutional amendments are not the only area where Koirala and the UML are finding common cause to prod--and to criticize--the GON. In their remarks during the ratification debate (Ref A), both Koirala and Madhav Nepal castigated Deuba for failing to curb corruption. On March 4 the Cabinet announced the formation of a judicial commission to investigate the assets of high-ranking GON employees since

1990. (Note: By some estimates in the press, the number of individuals to be investigated numbers well over 10,000. End note.) King Gyanendra will appoint the three members of the Commission, the mandate of which extends for six months. The Judicial Council has recommended Supreme Court Justice Krishna Jung Rayamaji to chair the new Commission. Opposition politicians greeted the announcement with guarded enthusiasm, many of them noting the formation of at least four previous commissions with similar mandates, the recommendations of which have never been acted upon.

5. (C) Some sources identify King Gyanendra as the real impetus for this newest commission. According to these accounts, the King called in the Prime Minister and, citing sharp criticism from donors at the February 4-7 Nepal Development Forum about corruption and the lack of good governance and Secretary of State Powell's own remarks during his January 18-19 visit, directed Deuba to do something quick to clean up the GON's act. One source contends that the Cabinet's original terms of reference for the Commission limited its mandate to the investigation of corruption "from now onwards"--a draft that was quickly rejected by the King.

6. (C) Dr. Devendra Raj Pandey, the head of Transparency International in Nepal, told poloff he is skeptical that the recommendations of this new and hypothetically improved commission will fare any differently from those of its numerous predecessors. The Constitution calls for and the GON has already established a standing anti-corruption watchdog Commission (Commission for Investigation of the Abuse of Authority) whose members are appointed by the King, Pandey observed, and whose findings and recommendations are largely ignored by an easily influenced judiciary. Repeatedly forming and re-forming multiple commissions could be avoided, he said, if at least one of those bodies were sufficiently empowered to make its recommendations stick. Unfortunately, he remarked pessimistically, corruption is so widespread that any given target of a probe has enough "dirt" on everyone else--or on the key allies of others--to discourage the zealous pursuit of investigations. Moreover, he added, the Commission's terms of reference are ambiguous. The word "corruption" is never mentioned in its mandate--only a call for the examination of personal assets. The new commission is only window-dressing and will lead nowhere, he predicted, because the political will just isn't there.

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AND MORE CONGRESS COMMITTEES  
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7. (C) On February 26, Koirala also set up--and hand-picked the members for--a Parliamentary Committee and a nine-person Central Working Implementation Committee within the party without consulting the Central Working Committee. How exactly the leaner, meaner CWIC will differ from the Central Working Committee--which enjoys considerably broader representation from the party's different factions--is unclear. NC General Secretary Sushil Koirala explained that the new CWIC will meet during "emergencies," or when there is not enough time to call a Central Working Committee meeting. Considerable suspicion lingers, however, that the new committees' real role will be to choose the party's nominees for MP during the next general election--thereby ensuring that only Koirala's candidates are on the ticket. Deuba and his mentor, former PM K.P. Bhattarai, did not show up at the Parliamentary Committee's first meeting on March 4, which nominated a candidate for a newly vacant seat in the Upper House. Political wags and the local media immediately deduced Deuba, resenting his rival's closed-door selection of membership of these two committees, boycotted the meeting.

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EMERGENCY, BUT NOT DEUBA, CRITICIZED  
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8. (C) While he is apparently keeping busy forming closed-door committees and cooperating with the Opposition in private, Koirala has recently muted his usually vocal criticism of Deuba in public. In a Feb. 27 meeting with the Ambassador, Koirala described his relations with the GON as good, while lamenting in the same breath that the GON consistently fails to provide him and others in the party leadership adequate information about the state of affairs in the nation. Instead, he relies on grass-roots party activists to get a real handle on the security situation outside of Kathmandu. "I don't like this emergency," Koirala told the Ambassador, adding that he voted to ratify because he recognized the nation is in a difficult position. He said his party has completed a report that criticizes the GON's handling of the emergency and cites numerous human rights abuses since its imposition. Human rights abuses will only lead to the creation of more Maoists, Koirala observed. His own party's ability to conduct legitimate activities and hold meetings has been sharply curtailed since November 26, he

complained. He said he had told the Prime Minister to restore civil liberties to average people "so that we can isolate them from the Maoists."

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COMMENT  
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19. (C) Deuba is under obvious pressure from both the Opposition and political rivals within his own party to follow through on commitments made during the ratification debate. So far at least, he is going through the motions of that follow-through. In the grim aftermath of the bloody Maoist attacks in Achham, Koirala may have decided that continuing his near-daily broadside attacks against Deuba in public might be viewed as unseemly--even unpatriotic--by some, and do nothing to further his seemingly tireless quest to regain the prime ministership. But his atypical quietness in public should not be mistaken for a lack of activity in private. With a few judicious press leaks here and there, Koirala is letting it be known widely enough that he is not letting up on his rival. What the proposed constitutional amendments will do to address the urgent needs of the nation--an end to an increasingly violent insurgency; help for a crippled economy; jobs for a burgeoning generation of young people--is apparently beside the point.

10. (C) Comment continued: A proliferation of toothless anti-corruption Commissions (especially a three-person team supposed to investigate the assets of thousands of public employees in just six months) is unlikely to convince anyone that the GON is serious about tackling corruption. Instead of spinning its wheels forming new, equally ineffective Commissions, the GON should focus instead on giving just one of them--probably the Constitutionally sanctioned Commission for the Investigation of the Abuse of Authority--the wherewithal to have its findings enforced.

MALINOWSKI